

ASSEMBLY BILL

No. 644

Introduced by Assembly Member Caballero

February 25, 2009

An act to add Part 17 (commencing with Section 106000) to Division 10 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 644, as introduced, Caballero. Monterey-Salinas Transit District Act.

Existing law establishes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill would enact the Monterey-Salinas Transit District Act. The bill would dissolve the Monterey-Salinas Transit Joint Powers Agency and create the Monterey-Salinas Transit District within Monterey County to succeed to the rights, powers, duties, and obligations of the agency. The bill would establish an 8-member board of directors to govern the district. The act would provide that upon the dissolution of the Monterey-Salinas Transit Joint Powers Agency its employees shall become employees of the district. The bill would authorize the district to hire independent staff and contract with public entities to implement the provisions of the act. The bill would authorize the district to raise moneys by issuing bonds payable from revenues of any facility or enterprise acquired or constructed by the district. The bill would establish other powers and duties of the district. By imposing new duties on a local agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Part 17 (commencing with Section 106000) is
2 added to Division 10 of the Public Utilities Code, to read:

3
4 PART 17. MONTEREY-SALINAS TRANSIT DISTRICT

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 106000. This part shall be known and may be cited as the
9 Monterey-Salinas Transit District Act.

10 106001. As used in this part, the following terms have the
11 following meanings:

12 (a) "Agency" means the Monterey-Salinas Transit Joint Powers
13 Agency, a joint exercise of powers agency.

14 (b) "Board of directors" means the Board of Directors of the
15 Monterey-Salinas Transit District.

16 (c) "Board of supervisors" means the Monterey County Board
17 of Supervisors.

18 (d) "County" means Monterey County.

19 (e) "District" means the Monterey-Salinas Transit District
20 created by Section 106010.

21
22 CHAPTER 2. FORMATION OF DISTRICT

23
24 106010. There is hereby created the Monterey-Salinas Transit
25 District. The jurisdiction of the district extends throughout the
26 county, including all of the incorporated and unincorporated
27 territory.

28 106011. On and after January 1, 2010, the agency is dissolved
29 and the district succeeds to, and is vested with, all of the rights,
30 powers, duties, and obligations of the agency. The district is the
31 successor to the agency's interests in any property, its rights and
32 obligations under any contract, any outstanding indebtedness of

1 the agency, and its rights under any grants, without the necessity
2 of any further action.

3 106012. (a) The district shall assume the duties of public transit
4 provider performed by the agency. On and after January 1, 2010,
5 the Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey,
6 Pacific Grove, Salinas, and Seaside and the County of Monterey
7 are included within the district.

8 (b) Additionally, the district is deemed to be, with all of the
9 powers and duties attendant thereto, the consolidated transportation
10 services agency for the county, with the concurrence of the regional
11 transportation planning agency.

12 106013. Upon dissolution of the agency, employees of the
13 agency shall be deemed to be employees of the district without
14 any break in service or any loss or reduction of compensation or
15 benefits, except as may be imposed by express action of the board.

16
17 CHAPTER 3. GOVERNMENT OF DISTRICT
18

19 Article 1. Board of Directors
20

21 106020. The district shall be governed by an eight-member
22 board of directors which shall be composed of one representative
23 from each member jurisdiction which includes the Cities of
24 Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific
25 Grove, Salinas, and Seaside and the County of Monterey. Each
26 member of the board of directors shall have one vote. Each member
27 jurisdiction shall appoint one regular member and one alternate
28 member to the board of directors and shall notify the district in
29 writing of its appointments or any change of representative. The
30 City of Gonzales shall appoint a person to serve as a nonvoting,
31 ex officio member. Each member shall serve solely at the pleasure
32 of the appointing member jurisdiction. Members shall be either
33 elected officials or officers or employees of the appointing member
34 jurisdiction.

35 106021. The board shall adopt bylaws for its proceedings
36 consistent with the laws of the state.

37 106022. The board shall do all of the following:

38 (a) Adopt an annual budget.

39 (b) Adopt an administrative code, by ordinance, which prescribes
40 the powers and duties of the district officers, the method of

1 appointment of the district employees, and methods, procedures,
2 and systems of operation and management of the district.

3 (c) Cause a postaudit of the financial transactions and records
4 of the district to be made at least annually by a certified public
5 accountant.

6 (d) Do any and all things necessary to carry out the purposes of
7 this part.

8 106023. The board of directors shall adopt priorities reflecting
9 the district's goals.

10 11 Article 2. Meetings 12

13 106030. The board, at its first meeting, and thereafter annually
14 at the meeting designated by the board, shall elect a chairperson
15 who shall preside at all meetings, and a vice chairperson who shall
16 preside in the absence of the chairperson. In the event of his or her
17 absence or inability to act, the members present, by an order entered
18 in the minutes, shall select one of their members to act as
19 chairperson pro tempore, who, while so acting, shall have all the
20 authority of the chairperson.

21 106031. All meetings of the board shall be conducted pursuant
22 to Chapter 9 (commencing with Section 54950) of Part 1 of
23 Division 2 of Title 5 of the Government Code.

24 106032. A majority of the board of directors entitled to vote
25 constitutes a quorum for the transaction of business. All official
26 acts of the district require the affirmative vote of a majority of the
27 board of directors entitled to vote.

28 106033. The acts of the board shall be expressed by motion,
29 resolution, or ordinance.

30 31 CHAPTER 4. POWERS AND FUNCTIONS OF THE DISTRICT 32

33 Article 1. Personnel 34

35 106040. (a) The district may hire an independent staff of its
36 own or contract with any department or agency of the United States
37 or with any public agency to implement this part.

38 (b) The district may contract with private entities in conformance
39 with applicable procurement procedures for the procurement of

1 engineering, project management, and contract management
2 services.

3 106041. The board of directors shall fix the compensation of
4 the district's officers and employees.

5
6 Article 2. Annual Budget
7

8 106045. (a) Notice of the time and place of a public hearing
9 on the adoption of the annual budget shall be published pursuant
10 to Section 6061 of the Government Code not less than 15 days
11 prior to the day of the hearing.

12 (b) The proposed annual budget shall be available for public
13 inspection at least 15 days prior to the hearing.

14
15 Article 3. Corporate Powers
16

17 106050. The district may sue and be sued, except as otherwise
18 provided by law, in all actions and proceedings, in all courts and
19 tribunals of competent jurisdiction.

20 106051. All claims for money or damages against the district
21 are governed by Division 3.6 (commencing with Section 810) of
22 Title 1 of the Government Code, except as provided therein, or by
23 other statutes or regulations expressly applicable thereto.

24
25 Article 4. Contracts
26

27 106055. The district may make contracts and enter into
28 stipulations of any nature whatsoever, either in connection with
29 eminent domain proceedings or otherwise, including, but not
30 limited to, contracts and stipulations to indemnify and hold
31 harmless, to employ labor, and to perform all acts necessary and
32 convenient for the full exercise of the powers granted in this part.

33 106056. The district may contract with any department or
34 agency of the United States, with any public agency, including,
35 but not limited to, the Department of Transportation, any county,
36 city, or district, or with any person or a private entity upon the
37 terms and conditions that the district finds in its best interest for
38 the procurement of engineering, project management, and contract
39 management services.

1 106057. The district shall adopt procurement procedures that
2 comply with Federal Transit Administration Circular 4220.1D, as
3 amended, relative to third-party contracting.

4
5 Article 5. Financing
6

7 106060. (a) The district has no authority to impose property,
8 sales, general, or special taxes, but may, with the concurrence of
9 a majority of the member jurisdictions represented on the board
10 of directors, cause to be submitted to voters of the district a ballot
11 measure for the imposition of those taxes.

12 (b) If approved as required by law, the district may impose and
13 administer fees and other funding sources secured for transportation
14 system operation, maintenance, and improvement.

15 (c) The board of directors may set fares for public transit service
16 by resolution or minute order.

17 106061. As an alternative procedure for the raising of funds,
18 the district may issue bonds, payable from revenues of any facility
19 or enterprise to be acquired or constructed by the district, in the
20 manner provided by the Revenue Bond Law of 1941 (Chapter 6
21 (commencing with Section 54300) of Part 1 of Division 2 of Title
22 5 of the Government Code), all of the provisions of which are
23 applicable to the district.

24 106062. The district is a local agency within the meaning of
25 the Revenue Bond Law of 1941 (Chapter 6 (commencing with
26 Section 54300) of Part 1 of Division 2 of Title 5 of the Government
27 Code). The term “enterprise” as used in the Revenue Bond Law
28 of 1941 shall, for all purposes of this part, include transit facilities
29 and any and all parts thereof and all additions, extensions, and
30 improvements thereto and all other facilities authorized to be
31 acquired, constructed, or completed by a district or, in the
32 alternative, may issue revenue bonds under the Revenue Bond
33 Law of 1941, for the acquisition, construction, and completion of
34 any one of those facilities. Nothing in this article shall prevent the
35 district from availing itself of, or making use of, any procedure
36 provided in this part for the issuance of bonds of any type or
37 character for any of the facilities or works authorized under this
38 part, and all proceedings may be carried on simultaneously or in
39 the alternative, as the directors may determine.

1 106063. The district may advocate and act on behalf of all
2 district member jurisdictions with their concurrence to further
3 Monterey County transportation system interests, funding, projects,
4 and priorities.

5 106064. The district may promulgate a plan for funding
6 transportation projects within its jurisdiction.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district are the result of a program for which legislative authority
11 was requested by that local agency or school district, within the
12 meaning of Section 17556 of the Government Code and Section
13 6 of Article XIII B of the California Constitution.